

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|---|-------------------------|
| In re: | Chapter 7 |
| SMILEDIRECTCLUB, INC., <i>et al.</i> ¹ | (Previously Chapter 11) |
| Debtors. | Case No. 23-90786 (CML) |
| | (Jointly Administered) |

**DECLARATION OF BEN WINGER IN SUPPORT OF
DIP AGENT'S EMERGENCY MOTION TO COMPEL DISCOVERY**

I, Ben Winger, declare that the following is true to the best of my knowledge, information and belief:

1. I am a partner of the law DLA Piper LLP (US) located at, among other locations, 444 West Lake Street, Suite 900, Chicago, Illinois 60606. I am familiar with the facts pertinent to the *DIP Agent's Emergency Motion to Compel Discovery* filed contemporaneously herewith.
2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the deposition of Allison Byman dated January 27, 2025.

[Remainder of Page Intentionally Left Blank]

¹ A complete list of each of the Debtors in these chapter 7 cases may be obtained on the website of the Debtors' solicitation agent (as defined herein) at <https://restructuring.ra.kroll.com/SmileDirectClub>. The location of Debtor SmileDirectClub, Inc.'s principal place of business and the Debtors' service address in these chapter 7 cases is 1530 Antioch Pike, Antioch, Tennessee 37013.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 29, 2025
Chicago, Illinois

DLA PIPER LLP (US)

/s/ W. Benjamin Winger

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Counsel to the DIP Agent and the DIP Lenders

CERTIFICATE OF SERVICE

I, James Muenker, hereby certify that on this twenty-ninth day of January, I caused a true and correct copy of the foregoing declaration to be to be served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ James P. Muenker

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